


**DEPARTMENT OF HEALTH
NURSING CARE QUALITY ASSURANCE COMMISSION
PROCEDURE**

Title:	Confidentiality, Records Management, and Security	Number:	W30.01
Reference:	RCW 18.130.160 ; RCW 18.130.175 WAC 246-840-750 through 246-840-780		
Contact:	Paula R. Meyer, MSN, RN, FRE Executive Director Nursing Care Quality Assurance Commission		
Effective Date:	March 8, 2019	Date Reviewed:	March 2019
Supersedes:	W03.01 W23.01		
Approved:			
	Tracy Rude, LPN Chair Nursing Care Quality Assurance Commission		

PURPOSE:

Washington Health Professional Services (WHPS) maintains confidentiality to the maximum extent provided by law. Releases of Information (includes contract authorization to communicate/release information) are used for all third party communication concerning a nurse.

PROCEDURE:

I. Confidentiality

- A. WHPS staff complete *Protecting Electronic Information* training and sign confidentiality agreements annually.
- B. WHPS provides information regarding a nurse's program participation according to laws and procedures.
- C. WHPS maintains the confidentiality of nurses voluntarily participating in the program by not reporting to NCQAC as long as they remain compliant with their Program Participant Contract.

II. Release of Information

- A. The WHPS director will provide nurses' monitoring records to NCQAC on disciplinary cases.
- B. WHPS will not communicate with third parties without appropriate authorization to release information.
 - 1. The nurse will sign a Release of Information that is part of the Program Participation Contract.
 - 2. If the nurse declines to sign or revokes authorization to release information, WHPS will refer the nurse to NCQAC as WHPS cannot effectively monitor the nurse.
 - 3. The Release of Information authorizes WHPS to communicate with, but is not limited to:
 - a. NCQAC.
 - b. Current and prospective employers and schools.
 - c. Mental health and chemical dependency treatment providers.
 - d. Healthcare providers.
 - e. Peer support facilitators.
 - f. Probation departments and drug court agencies.
 - g. Drug test collection sites and contractors.
 - h. Other state monitoring and licensing bodies.

C. Legal Representation

- 1. WHPS requires the nurse to engage in the program in direct communication with the case management team.
- 2. WHPS will refer a nurse's legal representative to NCQAC legal manager.
- 3. Once the nurse employs a legal representative, all communications involving the nurse occur between the legal representative and NCQAC legal team.

- D. WHPS will refer all media requests to the NCQAC executive director.

III. Public Disclosure

- A. Monitoring records are considered treatment records. RCW 18.130.175 (4) protects treatment and monitoring records from public disclosure. This includes nurses requesting their own records.
- B. The WHPS director will review all records requests and forward to the Public Disclosure Records Unit as necessary.
- C. WHPS will refer all subpoenas to the NCQAC legal manager.

IV. Records Management and Security

- A. WHPS maintains monitoring records in a secure, password-protected electronic records system.
 - 1. WHPS transfers any physical documents requiring retention and secure storage to the state Records Retention Center on an annual basis.

2. Regardless of format, WHPS maintains all records for 30 years after file closure.
- B. WHPS has access to private areas for confidential, sensitive conversations to respect the privacy of the nurse.
 1. Case staffing occurs in a private, secure area.
 - C. WHPS staff locks their computer when away from their workstation.
 - D. WHPS receives faxed documents to a secure email and does not print the documents.